

## **GRANTED ISSUES**

NOTE: THE WORDING OF THE ISSUES IS TAKEN VERBATIM FROM THE PARTIES' PETITIONS FOR DISCRETIONARY REVIEW.

**NO ISSUES GRANTED MARCH 3, 2021**

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## ALPHABETICAL LISTING WITHOUT ISSUES

<u>PDR NO.</u>	<u>NAME</u>	<u>DATE GRANTED</u>
20-0166	ALCOSER, DANNY WAYNE	05/06/20
19-0203	ALLEN, MATTHEW JOSEPH	06/26/19
20-0848	ANASTASSOV, STOYAN K.	01/13/21
20-0279	ANDERSON, ANDREW	09/16/20
20-0653	BAHENA, RAUL	11/18/20
20-0928	BALTIMORE, IJAH IWASEY	01/13/21
18-1362	BARRETT, DEWEY DEWAYNE	10/09/19
19-1123	BARTON, CHARLES	11/20/19
19-0804	BECERRA, JOE LUIS	11/20/19
18-1383	BELL, KENDALL	03/27/19
19-1225	BELL, ORLANDO	03/11/20
20-0309	BIGGERS, DARREN LAMONT	09/16/20
20-0703	BROOKS, JESSIE LEE, JR	11/11/20
20-0034	BROWN, SULIA LAWRENCE	04/01/20
19-0575	CARTER, ANTHONY	09/11/19
19-1279	CASTILLO-RAMIREZ, RAMIRO	03/11/20
19-0424	CHAMBERS, LARRY THOMAS, JR.	10/02/19
20-0624	CURLEE, DALLAS SHANE	09/30/20
20-0712	DIAZ, NELSON GARCIA	10/21/20
20-0556	DO, PHI VAN	09/30/20
19-0856/57	DULIN, BRYANT EDWARD	01/15/20
18-0831	DUNHAM, MARC WAKEFIELD	12/05/18
20-0325	EDWARD, DUKE	09/16/20
20-0064	FLORES, JUAN CARLOS	06/24/20
19-1233	GEORGE, ANTHONY RASHAD	02/26/20
20-1182	GREEN, TRENTON KYLE	02/24/21
20-0478	HALLMAN, ROBERT F.	09/30/20
19-0636	HAMMACK, MICHAEL ANTHONY	11/06/19
19-0799	HARDIN, SHEILA JO	10/02/19
19-0985	HARRELL, ROBERT EARL, JR.	12/11/19
20-0790	HERNANDEZ, ROBERTO	12/16/20
19-0853	HERRON, ROBERT	10/09/19
19-1101	HERVEY, WILLIE MAURICE, JR.	03/11/20
18-1339	HOLOMAN, HAROLD WAYNE	03/20/19
20-0936	IGBOJI, JEREL CHINEDU	11/25/20
20-1000	INTHALANGSY, SANTHY	01/13/21
20-0561	JOHNSON, JACOB MATTHEW	09/16/20
20-0553	JOHNSON, JAMAILE BURNETT	10/21/20
18-0552	JONES, JORDAN BARTLETT	07/25/18
20-0617	KAHOOKELE, EDMUND KOKO	10/28/20
20-1003	KING, JUSTIN SHANE	02/03/21
19-1124	LANG, TERRI REGINA	03/11/20
20-1124	LAWS, JACE MARTIN	01/27/21
20-1213	LENNOX, BOBBY CARL	02/24/21
19-0075	LERMA, REYNALDO	12/11/19
18-0894	LOCH, VITH	12/05/18
18-1291	LOPEZ, MARTIN RIVERA	03/20/19
19-1319	LOZANO, CARLOS	05/06/20
19-0244/45	LUJAN, ERLINDA	06/05/19
20-1089	LYNCH, CHARLES	02/03/21
20-1053	MACEDO, JUAN	02/03/21
20-0753	MACIEL, BETHANY GRACE	10/21/20
19-0563	MARTIN, CASEY ALLEN	10/09/19
20-1034	MARTIN, TERRY	01/27/21
19-1215	MARTINEZ, JESSE ADRIAN	04/01/20
19-0810	MATA, RICARDO	09/18/19

19-0984	McGUIRE, SEAN MICHAEL	12/11/19
20-0243	MELGAR, SANDRA JEAN	08/19/20
18-1340	MIRANDA, CHRISTOPHER	04/10/19
19-1079	MOLINA, WILBER ULISES	05/06/20
19-0202	MONTELONGO, ALBERTO	05/08/19
19-0963	NICHOLSON, HARRY DONALD, JR.	12/18/19
19-0478	NUNCIO, LEONARDO	08/21/19
20-0845	OLIVER, ROY	01/13/21
19-1061	ORTIZ, ORLANDO	11/06/19
20-0310	PERKINS, MICKEY RAY	08/19/20
20-0287	PHAM, HAPPY TRAN	09/16/20
19-1053	PUGH, ALLEN BRAY	02/05/20
20-0546	PUGH, KEDREEN MARQUE	10/21/20
20-0788	RAMOS, ENRIQUE ANGEL	10/21/20
20-0289	RANSIER, CHARLES ROBERT	08/19/20
20-0545	RATLIFF, KEVIN	01/27/21
19-1096	RION, CHRISTOPHER	01/15/20
19-1130	RODRIGUEZ, MARVIN	11/04/20
19-0242	ROGERS, WILLIAM	06/26/19
20-0234	RUBIO, CHRISTOPHER MICHAEL	07/01/20
20-0862	RUFFINS, ANTHONY	01/13/21
20-0593	SANCHEZ, JOSE CESAR	10/21/20
20-1039	SANCHEZ, OSCAR MINJARE	02/03/21
19-0469	SANDERS, NATHAN	11/20/19
20-0395	SELECTMAN, NICOLE PATRICE	11/25/20
20-108/09	SHUMWAY, BRADLEY JACOBS	07/01/20
19-1248	SIMMS, CHRISTOPHER	04/01/20
20-0245	SPIELBAUER, JEREMY DAVID	06/17/20
20-0695-97	SPILLMAN, DAVID EARL, JR.	12/09/20
20-1032/33	STEPHENS, ZENA COLLINS	02/10/21
20-1035	STREDIC, VINCENT DEPAUL	02/24/21
19-0676	TILGHMAN, MICHAEL JOSEPH	09/11/19
20-262/63	TURLEY, ANDREW JAMES	06/17/20
19-0574	VALADEZ, ADRIAN	02/03/21
20-0488	VILLAFRANCO, JESSE, JR.	09/16/20
20-0048	VILLARREAL, DAVID ASA	06/17/20
20-0157	WADE, ROBERT ERIC, III	04/22/20
20-0236	WEST, TIMOTHY	06/24/20
20-0241	WEXLER, SUZANNE ELIZABETH	06/17/20
20-0504	WILLIAMS, APRIL LOREACE	09/23/20
19-0477	WILLIAMS, ISSAC	08/21/19

## NUMERICAL LISTING WITH ISSUES GRANTED

**18-0552**  
**STATE'S**

**JONES, JORDAN BARTLETT**  
**SMITH**

**07/25/18**  
**UNLAWFUL DISCLOSURE OF**  
**INTIMATE VISUAL MATERIAL**

1. Is Tex. Penal Code § 21.16(b) a content-based restriction on speech that is subject to strict scrutiny?
2. May a court of appeals find a statute unconstitutional based on a manner and means that was not charged?
3. Is Tex. Penal Code § 21.16(b) facially constitutional?

**18-0831**  
**APPELLANT'S**

**DUNHAM, MARC WAKEFIELD**  
**HARRIS**

**12/05/18**  
**DECEPTIVE BUSINESS**  
**PRACTICE**

1. The evidence is legally insufficient to sustain Appellant's conviction for deceptive business practice where Appellant did not make any affirmative mis-representation, the State's theory of liability was based on an omission rather than an act, and the complainant accurately understood the commercial terms when the transaction occurred.
2. Whether deceptive business practice is a "nature-of-conduct" or "circumstance-of-conduct" offense and whether the jury must agree unanimously that the defendant committed the same specific act of deception to convict him. (C.R. 87-88; 4 R.R. 103-08).

**18-0894**  
**STATE'S**

**LOCH, VITH**  
**HARRIS**

**12/05/18**  
**MURDER**

1. Is the failure to admonish about immigration consequences under Tex. Code Crim. Proc. art. 26.13(a)(4) harmful when the defendant was already deportable at the time of his guilty plea due to prior convictions?
2. Is the failure to admonish about immigration consequences under Tex. Code Crim. Proc. art. 26.13(a)(4) harmful when the defendant knew he was already deportable at the time of his guilty plea due to prior convictions?
3. Was the failure to admonish about immigration consequences under Tex. Code Crim. Proc. art. 26.13(a)(4) harmful when Appellant was already deportable, the evidence of guilt was overwhelming, and he was morally motivated to plead guilty?

**18-1291**  
**STATE'S**

**LOPEZ, MARTIN RIVERA**  
**BEXAR**

**03/20/19**  
**ASSAULT**

1. The court of appeals erred by concluding that a 112 day delay was presumptively prejudicial based on potential delay that had not yet occurred and by weighing the first Barker factor against the State.
2. The court of appeals erred by concluding that the State was responsible for the delay and by weighing the second Barker factor against the State.
3. The court of appeals erred by weighing the third Barker factor against the State without any evidence that Lopez asserted his right to a speedy trial.

**18-1339**  
**STATE'S**

**HOLOMAN, HAROLD WAYNE**  
**ANDERSON**

**03/20/19**  
**ASSAULT**

Is a prior conviction for family violence under TEX. PENAL CODE § 22.01(b)(2)(A) always a guilt issue simply because it can be, and often is, used as a jurisdictional element?

**18-1340**  
**STATE'S**

**MIRANDA, CHRISTOPHER**  
**EL PASO**

**04/10/19**  
**IMPROPER RELATIONSHIP**  
**BETWEEN EDUCATOR AND**  
**STUDENT, SEXUAL ASSAULT,**  
**SEXUAL PERFORMANCE**  
**BY A CHILD**

In holding the evidence legally insufficient to support two of Miranda's convictions, the Court of Appeals did not follow this Court's case of *Miller v. State*, 457 S.W.3d 919 (Tex.Crim.App. 2015), concerning the closely-related-crimes exception to the *corpus delicti* rule, improperly holding that the exception did not apply because the temporal

relationship of one year between the offenses was too long, even though they were all part of a single criminal episode, and there were multiple victims who were not aware of each other.

**18-1362                      BARRETT, DEWEY DEWAYNE                      10/09/19**  
**APPELLANT'S                      SMITH                      ASSAULT**

1. Did the court of appeals err in holding that misdemeanor assault by striking in the face was not a lesser-included offense of family violence assault by impeding breath of circulation?
2. Do multiple physical injuries inflicted in a single attack constitute separately actionable crimes of assault or are they part of a single assault?
3. Should *Irving v. State*, 176 S.W.3d 842 (Tex. Crim. App. 2005), be overruled in light of other developments in our caselaw?

**18-1383                      BELL, KENDALL                      03/27/19**  
**STATE'S                      HARRIS                      AGGRAVATED ROBBERY**

1. May appellant mount a jurisdictional attack on the certification order without having filed a timely motion in bar of prosecution as required by Texas Code of Criminal Procedure Article 4.18?
2. Does *Manuel v. State* and its progeny apply to Texas Code of Criminal Procedure Article 44.47 to procedurally default appellant from raising claims upon revocation that he could have pursued an appeal from the order of deferred adjudication?

**19-0075                      LERMA, REYNALDO                      12/11/19**  
**APPELLANT'S                      HAYS                      CAPITAL MURDER**

1. Can an appellate court disregard the issue of error preservation so that the State has a remedy when a capital murder case is dismissed because of the State's own actions in disappearing a confidential informant?
2. Can an appellate court reverse a trial court's dismissal under TRE 508 without ever addressing the untrustworthiness of the State's position that the State does not know the identity of the confidential informant?

**19-0202                      MONTELONGO, ALBERTO                      05/18/19**  
**APPELLANT'S                      EL PASO                      ATTEMPTED CAPITAL MURDER, ASSAULT**

Whether or not the 8th Court of Appeals erred in finding that Appellant waived his right to a hearing on a properly presented and filed motion for new trial?

**19-0203                      ALLEN, MATTHEW JOSEPH                      06/26/19**  
**APPELLANT'S                      COLLIN                      CONTINUOUS SEXUAL ABUSE OF YOUNG CHILD, INDECENCY W/CHILD**

2. The panel erred when it failed to find the evidence was legally insufficient to support the jury's finding of guilt beyond a reasonable doubt as to each and every element of the offense of indecency with a child by sexual contact, especially considering the panel unilaterally substituted a date of offense contradictory to the indictment and the court's charge which created double jeopardy issues.

**19-0242                      ROGERS, WILLIAMS                      06/26/19**  
**APPELLANT'S                      REFUGIO                      BURGLARY OF HABITATION**

Did the Court of Appeals err in the analysis for error considering the evidence in the record of the case?

**19-0244                      LUJAN, ERLINDA                      06/05/19**  
**19-0245                      STATE'S                      EL PASO                      ENGAGING IN ORGANIZED CRIMINAL ACTIVITY (2); TAMPERING W/HUMAN CORPSE TAMPERING W/EVIDENCE**

The Eighth Court erred in upholding the trial court's ruling that the second, in-car session of Lujan's interview was not a continuation of the first, interview-room session, because: (1) under the *Bible* factors, the second-session interview was a continuation of the first; and (2) requiring police to re-*Mirandize* a suspect if the police engage in ambiguous conduct that *could be* construed as terminating, or setting a temporal limitation on, the interrogation (and attendant *Miranda* rights) undermines the ease and clarity of *Miranda's* application by requiring officers to continually second-guess whether they made any such potentially ambiguous statements.

<b>19-0424</b>	<b>CHAMBERS, LARRY THOMAS, JR.</b>	<b>10/02/19</b>
<b>APPELLANT'S</b>	<b>WILLIAMSON</b>	<b>POSSESSION OF</b>
		<b>CONTROLLED SUBSTANCE</b>

Is Appellant entitled to an instruction pursuant to Article 38.23 of the Code of Criminal Procedure when there is a factual dispute regarding the officer's credibility and a conflict between his testimony and his dashcam video?

<b>19-0469</b>	<b>SANDERS, NATHAN</b>	<b>11/20/19</b>
<b>APPELLANT'S</b>	<b>LUBBOCK</b>	<b>HARASSMENT</b>

Texas Penal Code section 42.07(a)(7) is a content-based restriction that restricts a real and substantial amount of speech as protected by the First Amendment; speech which invades privacy interests of the listener has never been held by the United States Supreme Court to be a category of unprotected speech.

<b>19-0477</b>	<b>WILLIAMS, ISSAC</b>	<b>08/21/19</b>
<b>STATE'S</b>	<b>BEXAR</b>	<b>CONTINUOUS TRAFFICKING</b>
		<b>OF PERSONS</b>

1. Did Williams preserve his request for the lesser-included offense of human trafficking when he failed to identify any evidence supporting this request and denied committing any offense?
2. Did the court of appeals err by concluding that the lesser-included offense of human trafficking was a rational alternative to continuous human trafficking?
3. The court of appeals erred by automatically reversing Williams' conviction rather than applying the standard required by *Almanza*.

<b>19-0478</b>	<b>NUNCIO, LEONARDO</b>	<b>08/21/19</b>
<b>APPELLANT'S</b>	<b>WEBB</b>	<b>HARASSMENT</b>

1. Justice Rodriguez's dissent contains the same criticisms of the challenged statute that were addressed in 1983 by the U.S. Fifth Circuit Court of Appeals in *Kramer v. Price*. *Kramer v. Price* struck down the previous version of Penal Code § 42.07. The defects described in Justice Rodriguez's dissent and in *Kramer v. Price* have not been resolved.
2. The Fourth Court of Appeals' decision, and the text of the challenged statute depart from accepted social norms and common understandings of the meaning of the word "harassment." The Fourth Court's majority opinion, and the challenged statute, risk the criminalization of conduct that would not generally be considered 'criminal' by people of ordinary intelligence. Further, because of this disconnect between common sense and the text of the statute, the challenged statute chills emotional speech, hyperbolic speech, metaphor, sharply critical speech and sexual overtures; TRAP § 66.3 (f).
3. Texas Courts' attempts to construe § 42.07 have led to baffling decisions that show no discernible logic or pattern that can be followed. The resulting authorities constitute a case by case evaluation of whether the subject speech makes reference to an "ultimate sex act." As a result of this lack of clear guidance, the statute is overly broad and chills too much speech.
4. The Court of Appeals should settle this important question because the statute unconstitutionally delegates prosecutorial decision-making and because the potential chilling effect is broad, TRAP § 66.3(b).

<b>19-0563</b>	<b>MARTIN, CASEY ALLEN</b>	<b>10/09/19</b>
<b>APPELLANT'S</b>	<b>TARRANT</b>	<b>POSSESSION OF</b>
		<b>METHAMPHETAMINE</b>

In *Talent v. City of Abilene*, 508 S.W.2d 592 (Tex. 1974), peace officers were distinguished from firefighters, who "(have) no roving commission to detect crime or to enforce the criminal law." Unlike fire marshals, who are peace officers, firefighters do not have general law-enforcement powers. Thus, absent an exigency that allows an officer to enter without a warrant, if a firefighter enters a home to extinguish fires or save lives and notices contraband even in plain view, that firefighter's knowledge does not "impute" to a peace officer, and the officer should be prohibited from entering the home without a warrant

<b>19-0574</b>	<b>VALADEZ, ADRIAN</b>	<b>McLENNAN</b>	<b>02/03/21</b>
<b>APPELLANT'S</b>			<b>POSSESSION OF CONTROLLED SUBSTANCE</b>

1. Whether prior possession and use of contraband may be admitted to prove knowledge of contraband and intent to possess contraband under Rules 403 and 404(b) of the Texas Rules of Evidence.
2. Whether prior possession and use of contraband may be admitted under Rules 403 and 404(b) of the Texas Rules of Evidence to rebut the defensive theory that the defendant lacked knowledge of the presence of contraband.
3. Whether prior possession and use of contraband may be admitted under Rules 403 and 404(b) of the Texas Rules of Evidence to prove the identity of the person who possessed the contraband.
4. Whether prior possession and use of contraband may be admitted under the doctrine of chances.

<b>19-0575</b>	<b>CARTER, ANTHONY</b>	<b>LUBBOCK</b>	<b>09/11/19</b>
<b>APPELLANT'S</b>			<b>POSSESSION OF CONTROLLED SUBSTANCE W/INTENT TO DELIVER</b>

In a sufficiency analysis, may a reviewing court uphold a conviction where the offense is defined by technical elements beyond the understanding of an ordinary factfinder if no evidence on the elements was presented at trial?

<b>19-0636</b>	<b>HAMMACK, MICHAEL ANTHONY</b>	<b>HUNT</b>	<b>11/06/19</b>
<b>APPELLANT'S</b>			<b>INTERFERENCE W/CHILD CUSTODY</b>

The Court of Appeals erred by finding that the evidence was legally sufficient to find Appellant guilty of interfering with child custody because the State failed to prove beyond a reasonable doubt that Appellant knowingly violated the express terms of an order when Appellant was never served the order, never saw or read the order, and never had the terms of the order explained to him in either open court or in any other manner.

<b>19-0676</b>	<b>TILGHMAN, MICHAEL JOSEPH</b>	<b>HAYS</b>	<b>09/11/19</b>
<b>STATE'S</b>			<b>POSSESSION OF CONTROLLED SUBSTANCE W/INTENT TO DELIVER</b>

The Court of Appeals erred in holding that police could not lawfully enter a hotel room to help a hotel manager evict a guest engaging in criminal activity.

<b>19-0799</b>	<b>HARDIN, SHEILA JO</b>	<b>NUECES</b>	<b>10/02/19</b>
<b>STATE'S</b>			<b>FRAUDULENT POSSESSION OF IDENTIFYING INFORMATION, FORGERY OF A GOVERNMENT INSTRUMENT</b>

The Thirteenth Court of Appeals erred in concluding that the officer who stopped Hardin's vehicle lacked reasonable suspicion to stop her for failing to maintain a single lane by swerving into another lane, whether or not this movement could be done safely.

<b>19-0804</b>	<b>BECERRA, JOE LUIS</b>	<b>BRAZOS</b>	<b>11/20/19</b>
<b>APPELLANT'S</b>			<b>POSSESSION OF FIREARM BY FELON</b>

In *Trinidad v. State*, 312 S.W.3d 23 (Tex. Crim. App. 2010) this Court held Article V, Section 13 of the Texas Constitution was not implicated unless evidence that a number other than exactly twelve jurors voted on a verdict received by the trial court. The uncontroverted evidence from Appellant's Motion for New Trial was a non-petit juror deliberated and voted on Appellant's verdict. Did the Court of Appeals commit error in holding Appellant's Art. V, Section 13 and statutory claims under 33.01 and 36.22 of the Texas Code of Criminal Procedure were procedurally defaulted?

<b>19-0810</b>	<b>MATA, RICARDO</b>	<b>HIDALGO</b>	<b>09/18/19</b>
<b>STATE'S</b>			<b>AGGRAVATED KIDNAPPING TRAFFICKING OF PERSONS</b>

## SEXUAL ASSAULT

Do questions that would objectively aid a search for a kidnapped or missing person fall within *New York v. Quarles*'s public safety exception to *Miranda* ?

19-0853 STATE'S	HERRON, ROBERT	EL PASO	10/09/19 FAILURE TO COMPLY WITH REGISTRATION REQUIREMENTS
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In holding the evidence legally insufficient to support the defendant's conviction for failing to register, specifically, that the State failed to prove that the defendant had a duty to register with the El Paso County Sheriff's Office, where there was at least "some evidence" (and specifically, direct evidence of the fact) that the Sheriff's Office was the "local law-enforcement agency" with which Herron was required to register, rather than decide merely whether there was legally sufficient evidence that, when viewed in its proper context and in the light most favorable to the verdict, could support a rational inference that Herron was, indeed, required to register with the Sheriff's Office, the Eighth Court improperly required the State to meet its evidentiary burden via the Court's preferred manner of evidentiary proof, effectively increasing the State's burden.

19-0856 19-0857 STATE'S	DULIN, BRYANT EDWARD	BURNET	01/15/20 INDECENCY W/CHILD AGGRAVATED SEXUAL ASSAULT (9 CTS) AGGRAVATED SEXUAL ASSAULT ("SUPER")
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1. Should an improper and prematurely assessed nonobligatory "Time Payment Fee" that penalizes the failure to timely pay a court-cost, fee, or restitution be struck?
2. In striking down court-costs and fees, does the judiciary violate separation of powers by infringing on the Legislature's power to enact costs, fees, and the state's budget and the Governor's budget power?
3. Is the "Time Payment Fee" proper because it imposes a time-frame for court-cost and fee payment and disincentivizes late payment and the failure to pay?

19-0963 APPELLANT'S	NICHOLSON, HARRY DONALD, JR.	NAVARRO	12/18/19 EVADING ARREST
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1. Whether the plain language of the evading arrest statute requires proof of knowledge that the attempted arrest or detention is lawful.
2. Whether it matters in this case; whether the evidence is legally insufficient to show that Nicholson knew he was being lawfully detained.

19-0984 STATE'S	McGUIRE, SEAN MICHAEL	FORT BEND	12/11/19 FELONY MURDER INTOXICATION MANSLAUGHTER
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2. Does Tex. Code Crim. Proc. Art.14.03(a)(1) have an exigency requirement for warrantless arrests?
3. If Article 14.03(a)(1) has an exigency requirement for a warrantless arrest in public, it was satisfied here because the integrity of blood-alcohol-content evidence would have been compromised had Appellee been free to leave.

19-0985 STATE'S	HARRELL, ROBERT EARL, JR.	GRAYSON	12/11/19 DRIVING WHILE INTOXICATED
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The appellate court applied an important question of state law in a way that conflicts with the applicable decisions of the Court of Criminal Appeals when it mistakenly merged the *corpus delecti* standard of review with the *Jackson v. Virginia* sufficiency of the evidence standard of review — misapplying both.

19-1053 APPELLANT'S	PUGH, ALLEN BRAY	TAYLOR	02/05/20 MURDER
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The Court of Appeals erred in holding the trial court acted within its discretion when it allowed the State to introduce three animations to the jury which depicted the decedent Delorme as unarmed and stationary, contrary to the evidence.

**19-1061                      ORTIZ, ORLANDO                      11/06/19**  
**STATE'S                      LA SALLE                      ASSAULT**

When a defendant is charged with “assault by occlusion” pursuant to Tex. Penal Code § 22.01(b)(2)(B), does the denial of occlusion and admission to causing different injuries entitle him to an instruction on simple assault?

**19-1079                      MOLINA, WILBER ULISES                      05/06/20**  
**APPELLANT'S                      HARRIS                      AGGRAVATED SEXUAL**  
**ASSAULT**

Whether the majority opinion conflicts with *Burch v. State*, when the majority opinion affirmed the trial court's admission of DNA testimony over Appellant's Confrontation Clause objection?

**19-1096                      RION, CHRISTOPHER                      01/15/20**  
**STATE'S                      DALLAS                      AGGRAVATED ASSAULT**

Collateral estoppel applies only when two issues are identical. In appellant’s manslaughter trial, the jury was charged to consider whether appellant “recklessly caused the death” of the complainant. In a pending aggravated assault trial, the jury will be charged to consider whether he “recklessly caused bodily injury” to a different complainant. The court of appeals held that collateral estoppel applies. Was the court right?

**19-1101                      HERVEY, WILLIE MAURICE, JR.                      03/11/20**  
**STATE'S                      WICHITA                      MURDER**

1. Does a trial court's sua sponte submission of an issue in the jury charge prevent a court of appeals from considering whether the evidence raised such an issue?
2. If, under a defensive view of the evidence, the defendant in a murder case drew, pointed, and wrestled over the gun of his own volition, is he nonetheless entitled to a voluntary-act instruction if testimony shows that another person's conduct precipitated the gun's discharge?
3. Alternatively, should a voluntary-act instruction resemble the instruction in *Simpkins v. State*, 590 S.W.2d 129 (Tex. Crim. App. [Panel Op.] 1979), and specify the facts that would render the defendant's conduct involuntary or inform the jury that voluntariness is distinct from the culpable mental state?
4. Alternatively, does an instruction result in some harm to the defense if it lacks this specificity and is missing from lesser-included-offense instructions never reached by the jury?

**19-1123                      BARTON, CHARLES                      11/20/19**  
**STATE'S                      TARRANT                      HARASSMENT**

1. The court of appeals decided a facial overbreadth claim that was not preserved at trial or raised on appeal.
2. Is Tex. Penal Code § 42.07(a)(7), which prohibits harassing electronic communications, facially unconstitutional?

**19-1124                      LANG, TERRI REGINA                      03/11/20**  
**STATE'S                      BURNET                      ORGANIZED RETAIL THEFT**

Is reformation unauthorized unless the State pled all the elements and statutorily required notice allegations of the lesser-included offense?

**19-1130                      RODRIGUEZ,, MARVIN                      11/04/20**  
**APPELLANT'S                      TARRANT                      MURDER**

1. The Fort Worth Court's strict interpretation of the "confession and avoidance" doctrine ignored the context of Appellant's actions and admissions, and further undermined established precedent from this Court.
2. This Court should reaffirm the continued vitality of *Martinez v. State*, 775 S.W.2d 645 (Tex. Crim. App. 1989).
3. When analyzing confession and avoidance, a court should view the admissions and the actions of the defendant within the context of the entire episode and not focus myopically on the moment of the defendant's final criminal act.

**19-1215                      MARTINEZ, JESSE ADRIAN                      04/01/20**

**APPELLANT'S****EL PASO****MURDER**

4. In affirming Petitioner's conviction, the Eighth Court erred when it misapplied the four-factor test in *Brown v. Illinois*, conceding that the arrest was unlawful under Texas law but not unconstitutional under the Fourth Amendment and, therefore, was not flagrant. The Eighth Court's probable cause analysis was based on opinions, not facts, which is impermissible under *Torres v. State*.

**19-1225  
STATE'S**

**BELL, ORLANDO**

**BURLESON**

**03/11/20  
FAILURE TO COMPLY WITH  
REGISTRATION REQUIREMENTS**

1. Should error in the punishment enhancement charge be reviewed as charge error rather than as an "illegal sentence?"
2. What standard of harm applies to charge errors that authorize a greater punishment?

**19-1233  
APPELLANT'S**

**GEORGE, ANTHONY RASHAD**

**DALLAS**

**02/26/20  
CAPITAL MURDER**

Is the Fifth Court of Appeals right, or are the First and Second Courts of Appeals right? Should murder always be anticipated as a potential result of robbery?

**19-1248  
APPELLANT'S**

**SIMMS, CHRISTOPHER**

**HARRIS**

**04/01/20  
AGGRAVATED ASSAULT**

Whether the Court of Appeals properly protected Appellant's right to an instruction on a lesser included offense by failing to consider his testimony regarding an intervening circumstance that caused the accident resulting in death?

**19-1279  
STATE'S**

**CASTILLO-RAMIREZ, RAMIRO**

**STARR**

**03/11/20  
AGGRAVATED SEXUAL  
ASSAULT**

Can error in a sexual-assault charge—which fails to specify that the defendant used his penis—be harmful when there was no evidence or claim that he used anything else?

**19-1319  
STATE'S**

**LOZANO, CARLOS**

**EL PASO**

**05/06/20  
MURDER**

The Eighth Court of Appeals erred in its preliminary holding that Appellant was entitled to jury instructions on the use of deadly force in self-defense because there was no evidence presented from any source of Appellant's subjective state of mind at the time of the shooting, that is, whether he was in immediate apprehension or fear that the deceased was about to kill or seriously injure him at the time he shot the deceased, such that Appellant was not entitled to any self-defense instructions. Therefore, any errors in the self-defense instructions actually submitted did not result in egregious harm because Appellant was not entitled to the instructions in the first place.

**20-0034  
STATE'S**

**BROWN, SULIA LAWRENCE**

**TARRANT**

**04/01/20  
AGGRAVATED SEXUAL  
ASSAULT**

1. Article 46B.0095 of the Texas Code of Criminal Procedure allows for commitment of an incompetent defendant for the "maximum term provided by law for the offense for which the defendant was to be tried." The maximum term of confinement for a juvenile adjudicated for a first-degree felony offense is forty years if the State obtains grand jury approval for a determinate-sentence. What, then, is "the maximum term provided by law" for determining the length of mental-health commitment for a juvenile who is accused of a crime severe enough to be determinate-sentence eligible but is found unfit to proceed before a grand jury could make a determinate-sentence finding?
2. Should the Second Court of Appeals have considered the State's defense that it was prohibited from pursuing a determinate-sentence finding from the grand jury because the juvenile was found unfit to proceed and the judicial proceedings were stayed as a matter of law?

**20-0048  
APPELLANT'S**

**VILLARREAL, DAVID ASA**

**BEXAR**

**06/17/20  
MURDER**

The court of appeals erred in holding that the trial court properly limited the Appellant's ability to consult with trial counsel during an overnight recess in violation of the Appellant's Sixth Amendment right to counsel.

**20-0059**                      **HARBIN, JAMES BERKELEY, II**                      **03/25/20**  
**STATE'S**    **DALLAS**    **MURDER**

Is a summary reversal warranted when the lower court violated an absolute requirement by applying law not applicable to the case, *i.e.*, the punishment-phase sudden passion issue, not in effect until 1994, to a first-degree murder committed in 1991?

**20-0064**                      **FLORES, JUAN CARLOS**                      **06/24/20**  
**APPELLANT'S**    **GRAYSON**    **AGGRAVATED ROBBERY**

The court of appeals erred where it held the evidence to be sufficient to prove the use of a deadly weapon where the alleged weapon was not used in a way that was capable of causing death or serious bodily injury.

**20-0108**                      **SHUMWAY, BRADLEY JACOBS**                      **07/01/20**  
**20-0109**  
**APPELLANT'S**    **MONTGOMERY**                      **INDECENCY W/CHILD**

1. Does the corpus delicti rule require evidence totally independent of a defendant's extrajudicial confession showing that the 'essential nature' of the charged crime was committed by someone?
2. Can independent evidence as to time, motive, opportunity, state of mind of the defendant, and/or contextual background information satisfy the corpus delicti rule in an indecency with a child charge when there is zero evidence of sexual contact?
3. Is the evidence legally sufficient to support convictions for indecency with a child when the independent evidence does not tend to establish sexual contact?
4. Did the Ninth Court of Appeals improperly circumvent The Court of Criminal Appeals 2015 ruling on corpus delicti doctrine in *Miller v. State*, 457 S.W.3d 919 (TEX. CRIM. APP. 2015) which expressly declined to use a trustworthiness standard regarding the legal sufficiency standard?

**20-0157**                      **WADE, ROBERT ERIC, III**                      **04/22/20**  
**STATE'S**    **WILLIAMSON**    **AGGRAVATED ASSAULT**

1. Whether conclusory lay testimony can contradict undisputed testimony from medical sources and a victim on the issue of serious bodily injury such that a lesser-included offense is a "valid, rational alternative" to the charged offense.

**20-0166**                      **ALCOSER, DANNY WAYNE**                      **05/06/20**  
**STATE'S**    **McLENNAN**    **ASSAULT**

1. The court of appeals misapplied the egregious harm standard of review for unobjected-to jury charge error under *Almanza v. State*, 686 S.W. 2d 157 (Tex. Crim. App. 1984), in a manner that so far departed from the accepted and usual course of judicial proceedings as to call for an exercise of the Court of Criminal Appeals' power of supervision.
2. The court of appeals' misapplication of the cumulative error doctrine in its analysis of unobjected-to jury charge error so far departed from the accepted and usual course of judicial proceedings as to call for an exercise of the Court of Criminal Appeals' power of supervision.

**20-0234**                      **RUBIO, CHRISTOPHER MICHAEL**                      **07/01/20**  
**APPELLANT'S**    **DALLAS**    **CAPITAL MURDER**

Did the Court of Appeals resolve a procedural issue relating to the timely filing and hearing of an amended motion for new trial in a manner that conflicts with Courts of Appeals and Court of Criminal Appeals precedent?

**20-0236**                      **WEST, TIMOTHY**                      **06/24/20**  
**APPELLEE'S**    **EL PASO**    **POSSESSION OR ATTEMPTED**  
**POSSESSION OF OXYCODONE**

In finding that the original indictment that charged three counts of possession or attempted possession of a controlled substance, to wit: tramadol (by misrepresentation, fraud, forgery, deception or subterfuge, on or about three separate dates), alleged the same conduct, act or transaction as a subsequent indictment that charged the possession or attempted

possession of oxycodone, the Court of Appeals decision conflicts with decisions of the Court of Criminal Appeals and the United States Supreme Court, Tex. R. App, P. 66.3(a)(c).

<b>20-0241</b>	<b>WEXLER, SUZANNE ELIZABETH</b>	<b>06/17/20</b>
<b>APPELLANT'S</b>	<b>HARRIS</b>	<b>POSSESSION OF CONTROLLED SUBSTANCE W/INTENT TO DELIVER</b>

Whether the Court of Appeals erred by concluding that Appellant's statement to Detective Hill was not obtained via a custodial interrogation without the benefit of any warnings when the statement was made after Appellant was ordered to involuntarily leave a residence by an overwhelming police presence and placed into the back of a police car?

<b>20-0243</b>	<b>MELGAR, SANDRA JEAN</b>	<b>08/19/20</b>
<b>APPELLANT'S</b>	<b>HARRIS</b>	<b>MURDER</b>

1. Did the Court of Appeals' legal sufficiency of the evidence analysis comport with *Jackson v. Virginia's* additional requirement that a reviewing court must determine "whether any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt", especially when the panel mischaracterized crucial evidence, failed to fairly and critically assess what the record evidence showed, and ultimately supplied "a bridge to the analytical gap" in the prosecution's case, by theorizing or guessing about the meaning of evidence and reaching conclusions based on speculation, conjecture, and inferences unsupported by the record evidence?
2. Consistent with Due Process, in an appellate review of the legal sufficiency of evidence, can a jury's assumed disbelief of certain witness testimony establish *substantive proof to the contrary of that testimony*?
3. Did the Court of Appeals fail to apply part of the legal sufficiency standard which, according to *Brooks v. State*, "essentially incorporates a factual sufficiency review" into a review for legal sufficiency?
4. Did the Court of Appeals in its review of the legal sufficiency of the evidence fail to consider *all* the trial evidence as required by *Jackson v. Virginia*, as opposed to just evidence tending to support the verdict, although not establishing guilt beyond a reasonable doubt?

<b>20-0245</b>	<b>SPIELBAUER, JEREMY DAVID</b>	<b>06/17/20</b>
<b>STATE'S</b>	<b>RANDALL</b>	<b>MURDER</b>

Can written responses in a juror questionnaire, standing alone, establish a challenge for cause when based upon an inaccurately worded statutory ground for cause?

<b>20-0262</b>	<b>TURLEY, ANDREW JAMES</b>	<b>06/17/20</b>
<b>20-0263</b>		
<b>STATE'S</b>	<b>HARRIS</b>	<b>COMPELLING PROSTITUTION, TRAFFICKING OF A CHILD TO COMPEL PROSTITUTION</b>

1. Did the court of appeals err when it held as a matter of law that selling sexual contact with a four-year-old child could never constitute compelled prostitution?
2. Must a child knowingly engage in an act of prostitution for the person who sold sex with her to be guilty of compelling prostitution?

<b>20-0279</b>	<b>ANDERSON, ANDREW</b>	<b>09/16/20</b>
<b>APPELLANT'S</b>	<b>DALLAS</b>	<b>AGGRAVATED ASSAULT</b>

1. Whether the 10-day grace period for filing a notice of appeal was unavailable when the incarcerated defendant omitted the words "district clerk" from the envelope he used to send his notice of appeal.
2. Under what circumstances should an incarcerated defendant be allowed factual development to show the clerk physically received his notice of appeal within the 10-day grace period?

<b>20-0287</b>	<b>PHAM, HAPPY TRAN</b>	<b>09/16/20</b>
<b>APPELLANT'S</b>	<b>HARRIS</b>	<b>MURDER</b>

1. Whether an attorney provides ineffective assistance when he admits in an affidavit that he failed to interview any potential mitigation witnesses, he made conclusory assumptions about what those witnesses might know about

appellant's life, and his decision not to interview any potential witnesses was not based on trial strategy. (C.R. at 329-32, 334-59).

2. Whether trial counsel's failure to investigate even a single avenue of mitigation means that appellant was constructively denied any defense at all in the penalty phase of his trial and therefore prejudice is presumed. (C.R. at 329-32, 334-59).

4. Whether the Court of Appeals erred by holding that because appellant used deadly force, rather than the threat of deadly force, he was not entitled to an instruction on self-defense pursuant to Tex. Pen. Code § 9.04. (VI R.R. at 171-74; XII R.R. at 240).

**20-0289**  
**STATE'S**

**RANSIER, CHARLES ROBERT**  
**COMAL**

**08/19/20**  
**TAMPERING WITH OR**  
**FABRICATING PHYSICAL**  
**EVIDENCE**

1. When—as the Ransier Dissent recognizes—the record does not support a rational conclusion that if Appellant was guilty of anything, it was only attempted tampering, should the Fourteenth Court have nevertheless reversed Appellant's conviction because of the failure to include a 'lesser-included offense' instruction to which he was not entitled?

**20-0309**  
**STATE'S**

**BIGGERS, DARREN LAMONT**  
**COOKE**

**09/16/20**  
**POSSESSION OF CONTROLLED**  
**SUBSTANCE**

When the State alleges, but fails to prove, the codeine mixture the defendant possessed contains a sufficient proportion of another medicine to be medicinal, should he be acquitted?

**20-0310**  
**APPELLANT'S**

**PERKINS, MICKEY RAY**  
**BROWN**

**08/19/20**  
**AGGRAVATED ASSAULT**

2. The Court of Appeals erred in holding the trial court acted within its discretion in allowing the State to introduce extensive details about an extraneous offense during the guilt-innocence phase when Perkins was willing to stipulate to it.

**20-0325**  
**STATE'S**

**EDWARD, DUKE**  
**GALVESTON**

**09/16/20**  
**ASSAULT**

The court of appeals misapplied the standard of review for sufficiency of the evidence and in a manner that so far departed from the accepted and usual course of judicial proceedings as to call for an exercise of the Court of Criminal Appeals' power of supervision.

**20-0395**  
**APPELLANT'S**

**SELECTMAN, NICOLE PATRICE**  
**BEXAR**

**11/25/20**  
**AGGRAVATED ASSAULT**

1. The court of appeals erred by ruling the instant record insufficient, as a matter of law, to permit a rational finding that appellant reasonably believed that deadly force was immediately necessary to defend herself or Erica Rollins against a violent home intruder on April 2, 2015.

2. The court of appeals erred by ruling the instant record insufficient, as a matter of law, to satisfy the "confession and avoidance" doctrine because: (1) appellant never "flatly denied" any essential element of the offense charged; and (2) the record contains more than ample evidence from which the jury could find that appellant either did fire, or otherwise cause, the shot that injured the complainant here.

3. The intermediate appellate court effectively substituted its own harm analysis for findings of fact by a properly instructed jury.

**20-0478**  
**STATE'S**

**HALLMAN, ROBERT F.**  
**TARRANT**

**09/30/20**  
**AGGRAVATED SEXUAL**  
**ASSAULT, INDECENCY**  
**W/CHILD**

1. Did the Court of Appeals err when it conducted a purely *de novo* review of the trial court's denial of a motion for mistrial for an alleged *Brady* violation, a ruling which is traditionally reviewed for an abuse of discretion?

2. In concluding that the non-disclosed evidence in this case was material because it “might have tipped the balance and resulted in an acquittal,” did the Court of Appeals erroneously diverge from the proper materiality standard, specifically that evidence is material only if there is a reasonable probability that, had it been disclosed, the outcome of the trial would have been different?

3. In light of the entire body of evidence, did the Court of Appeals err in concluding that Appellant’s ability to impeach a witness regarding a distant extraneous offense with her own handwritten statement in reasonable probability would have resulted in a different outcome at trial, when that witness was actually impeached on the same issue in a different manner?

**20-0488**                      **VILLAFRANCO, JESSE, JR.**  
**APPELLANT’S**                      **MIDLAND**

**09/16/20**  
**AGGRAVATED SEXUAL**  
**ASSAULT, ATTEMPTED**  
**INDECENCY W/CHILD,**  
**INDECENCY W/CHILD**

1. This Court should review this case because the court of appeals refused to remand this case to the trial court to remedy its error as required by this Court’s holding in Lapointe v. State.

2. Assuming that the error in this case should have been reviewed pursuant to the harmless beyond a reasonable doubt standard, the error clearly was not harmless beyond a reasonable doubt.

**20-0504**                      **WILLIAMS, APRIL LOREACE**  
**STATE’S**                      **GUADALUPE**

**09/23/20**  
**DELIVERY OF CONTROLLED**  
**SUBSTANCE**

1. The judge, on an at best, partially developed record, required one spectator to view one witness's testimony contemporaneously from a neighboring room. Is this the sort of closure requiring reversal contemplated by the right to a public trial?

2. Did the Fourth Court of Appeals fail to adequately address petitioner's argument that the courtroom was not closed as required by Rule 47.1 of the Texas Rules of Appellate Procedure?

3. Does the Fourth Court of Appeals's opinion fail to provide proper guidance and risk creating confusion for other courts when it failed to make a clear distinction between full and partial courtroom closures and the standards applicable to each type of closure?

**20-0545**                      **RATLIFF, KEVIN**  
**APPELLANT’S**                      **LLANO**

**01/27/21**  
**OFFICIAL OPPRESSION,**  
**TAMPERING WITH**  
**GOVERNMENT RECORD**

The Court of Appeals erred to find that the evidence was sufficient to sustain the convictions entered in the instant case.

**20-0546**                      **PUGH, KEDREEN MARQUE**  
**STATE’S**                      **BEXAR**

**10/21/20**  
**POSSESSION OF CONTROLLED**  
**SUBSTANCE W/INTENT TO**  
**DELIVER**

1. Does a single clarifying question by a police officer in response to a defendant's spontaneous, voluntary statement constitute custodial interrogation for the purposes of *Miranda*?

2. Even if the answer to the officer's question was inadmissible, the court of appeals erred in factoring admissible evidence, including the defendant's initial volunteered statement and the fruit of the un*Mirandized* statement, into its harm analysis.

**20-0553**                      **JOHNSON, JAMAILE BURNETT**  
**STATE’S**                      **HARRIS**

**10/21/20**  
**THEFT**

Did the court of appeals fail to apply the standard of review correctly in its analysis of appellant’s ineffective-assistance-of-counsel claim?

**20-0556**                      **DO, PHI VAN**  
**STATE’S**                      **HARRIS**

**09/30/20**  
**DRIVING WHILE INTOXICATED**

**20-0703**                      **BROOKS, JESSIE LEE, JR.**                      **11/11/20**  
**STATE'S**                      **MILAM**                      **AGGRAVATED ASSAULT**

When the State includes a deadly-weapon allegation in its aggravated assault by threat indictment and then fails to prove its manner and means of the threat, can the State still prove assault by threat based on use or exhibition of the deadly weapon?

**20-0712**                      **DIAZ, NELSON GARCIA**                      **10/21/20**  
**APPELLANT'S**                      **HARRIS**                      **BURGLARY**

1. Does intentionally misdescribing an untested confidential informant as an “anonymous source” in a probable cause affidavit cause the informant’s uncorroborated incriminating information to be excised pursuant to *Franks*?

**20-0753**                      **MACIEL, BETHANY GRACE**                      **10/21/20**  
**APPELLANT'S**                      **BRAZOS**                      **DRIVING WHILE INTOXICATED**

1. Did the court of appeals ignore this Court’s confession and avoidance precedent set out in *Juarez v. State*?  
2. Does a Defendant need to know what “operating” a vehicle means in order to satisfactorily admit to “operating” a vehicle?

**20-0788**                      **RAMOS, ENRIQUE ANGEL**                      **10/21/20**  
**STATE'S**                      **HIDALGO**                      **CONTINUOUS SEXUAL ABUSE**  
**OF A CHILD**  
**PROHIBITED SEXUAL CONDUCT**

Did the Legislature intend punishments for both continuous sexual abuse, TEX. PENAL CODE § 21.02, and prohibited sexual conduct, TEX. PENAL CODE § 25.02, against the same child?

**20-0790**                      **HERNANDEZ, ROBERTO**                      **12/16/20**  
**STATE'S**                      **NAVARRO**                      **AGGRAVATED SEXUAL**  
**ASSAULT**

1. Is indecency by touching the victim's sexual organ a lesser-included offense of penetrating the child's mouth with the defendant's sexual organ if the former is the defendant's version of the incident?  
2. For indecency by contact to be a lesser of aggravated sexual assault, must the act on which the indecency is predicated have the potential to be factually subsumed within the aggravated sexual assault?

**20-0845**                      **OLIVER, ROY**                      **01/13/21**  
**APPELLANT'S**                      **DALLAS**                      **MURDER**

2. When the prosecuting authority is in possession of an immunized statement, does the State bear the burden to demonstrate that the statement was not "used" in any way by the prosecution?

**20-0848**                      **ANASTASSOV, STOYAN K.**                      **01/13/21**  
**STATE'S**                      **DALLAS**                      **INDECENCY W/CHILD**

Should concurrent fines be discharged concurrently like concurrent terms of confinement?

**20-0862**                      **RUFFINS, ANTHONY**                      **01/13/21**  
**STATE'S**                      **COMAL**                      **AGGRAVATED ROBBERY**

1. If the testimony from an alleged accomplice witness-in-fact is completely removed from consideration, where the jury charge contained two accomplice witness instructions—one clearly correct regarding the accomplice as a matter of law—and there was substantial non-accomplice evidence to corroborate either accomplice witness's testimony, did Appellant suffer egregious harm from any alleged error in the accomplice-in-fact instruction?  
2. Did Appellant invite—or is he otherwise estopped from challenging—the allegedly erroneous instruction he requested and now complains of on appeal?  
3. Was Appellant even entitled to an instruction on whether Hogarth was an accomplice as a matter of fact?  
4. In a case where the Defense argues a witness was an accomplice, who bears the burden to prove a witness's status as an accomplice as a matter of fact, and what is the appropriate burden?

**20-0928**                      **BALTIMORE, IJAH IWASEY**                      **01/13/21**  
**APPELLANT'S**                      **McLENNAN**                      **UNLAWFULLY CARRYING**  
**A WEAPON**



Must the State offer proof of the parameters of a licensed premises to secure a conviction for unlawfully carrying a weapon on licensed premises?

**20-0936**  
**STATE'S**

**IGBOJI, JEREL CHINEDU**  
**FORT BEND**

**11/25/20**  
**AGGRAVATED ROBBERY**

1. Do exigent circumstances to seize a cellular phone for fear of unintentional loss of evidence require that law enforcement act at the earliest possible opportunity?
2. Do exigent circumstances to seize a cellular phone for fear of intentional destruction of evidence require "affirmative conduct" by the suspect?
3. Does the exigent circumstances exception require proof that the evidence was unavailable from other sources?

**20-1000**  
**STATE'S**

**INTHALANGSY, SANTHY**  
**HARRIS**

**01/13/21**  
**CAPITAL MURDER**

1. The Fourteenth Court of Appeals misapplied Texas Rules of Evidence 401 and 402 by disregarding evidence connecting Appellant to Cassie's murder and, thus, erroneously concluding that the extraneous-offense evidence of Cassie's murder was irrelevant.
2. The Fourteenth Court of Appeals erred by failing to consider whether the extraneous-offense evidence of Cassie's murder was admissible under Texas Rule of Evidence 404(b)(2) for the non-character-conformity purposes of: demonstrating that Appellant restrained Cassie without her consent; showing Appellant's intent to use deadly force against Cassie to prevent her liberation; and providing same-transaction contextual evidence.
3. The Fourteenth Court of Appeals failed to conduct a meaningful assessment of whether, per Texas Rule of Evidence 403, the probative value of the extraneous-offense evidence of Cassie's murder was substantially outweighed by the danger of unfair prejudice.

**20-1003**  
**APPELLANT'S**

**KING, JUSTIN SHANE**  
**FREESTONE**

**02/03/21**  
**EVADING ARREST OR**  
**DETENTION**

Can harmlessness be presumed from a silent record when a defendant has been denied his constitutional and statutory rights to be present during a pretrial proceeding?

**20-1032**  
**20-1033**  
**APPELLANT'S**

**STEPHENS, ZENA COLLINS**  
**CHAMBERS**

**02/10/21**  
**TAMPERING WITH**  
**GOVERNMENTAL RECORD;**  
**ACCEPTING A CASH**  
**CONTRIBUTION OVER \$100 (2)**

1. Whether, if the Attorney General has the authority to prosecute this case under § 273.021, the statute's grant of prosecutorial authority violates the separation of powers requirement in the Texas Constitution.
2. Whether the Attorney General has the authority to prosecute "election law" cases outside of the Election Code, and if so, whether Penal Code § 37.10 is an "election law" within the meaning of Election Code § 273.021.
3. Whether campaign finance reports are "election records" within the meaning of Penal Code § 37.10.

**20-1034**  
**STATE'S**

**MARTIN, TERRY**  
**LUBBOCK**

**01/27/21**  
**UNLAWFUL CARRYING**  
**A WEAPON**

Does unlawful carrying a weapon by a gang member, TEX. PENAL CODE § 46.02(a-1)(2)(C), require proof the defendant was continuously or regularly committing gang crimes?

**20-1035**  
**STATE'S**

**STREDIC, VINCENT DEPAUL**  
**HARRIS**

**02/24/21**  
**MURDER**

1. The Fourteenth Court erred by holding a trial court cannot grant a jury's request for a transcript of disputed testimony.

2. The Fourteenth Court erred by conducting a harm analysis that did not consider the strength of the State's evidence, the weakness of the defense, or the lack of a logical connection between the supposed error and any legally determinative issue.

**20-1039**  
**STATE'S**

**SANCHEZ, OSCAR MINJARE**  
**HARRIS**

**02/03/21**  
**FAILURE TO STOP AND**  
**RENDER AID**

Did the First Court of Appeals err by acting as factfinder in appellant's 11.072 habeas proceeding? Unlike the Court of Criminal Appeals in an article 11.07 writ, the 1st Court of Appeals' role in an article 11.072 writ is purely that of an appellate court. Consequently, the question before the appellate court was not whether to accept or reject the trial court's findings, but whether the trial court abused its discretion in denying relief.

**20-1053**  
**STATE'S**

**MACEDO, JUAN**  
**HARRIS**

**02/03/21**  
**MURDER**

2. State's Exhibit 177 was admissible under Article 37.07, §3(a)(1) because it was "relevant to sentencing" and the Fourteenth Court of Appeals erred in not being guided by the language of the statute.

3. If State's Exhibit 177 was admitted in error, the Fourteenth Court of Appeals erred in finding appellant was harmed when it only added evidence that his 2002 domestic violence conviction involved him kicking and biting his wife.

**20-1089**  
**STATE'S**

**LYNCH, CHARLES**  
**GALVESTON**

**02/03/21**  
**POSSESSION OF CONTROLLED**  
**SUBSTANCE W/INTENT TO**  
**DELIVER**

1. The court of appeals erred in holding the trial judge abused her discretion in admitting into evidence two of appellant's prior cocaine convictions in order to prove appellant's knowledge and/or intent with regard to the cocaine recovered in the charged offense, even after a defense witness claimed appellant had no knowledge or intent to commit the charged offense.

2. The court of appeals erred in holding that, upon introducing a defendant's prior narcotics convictions into evidence in order to prove a defendant's knowledge and/or intent in his current narcotics prosecution, the State must also show the facts or details of the prior narcotics cases in order to show their similarity to the charged offense.

3. The court of appeals erred in holding appellant's substantial rights were adversely affected, for the purposes of TEX. R. APP. P. 44.2(b), merely because the purported error occurred—and nothing more.

**20-1124**  
**APPELLANT'S**

**LAWS, JACE MARTIN**  
**GREGG**

**01/27/21**  
**ASSAULT**

1. Did the Court of Appeals err in concluding that Appellant failed to preserve error?

2. Did the trial court violate Art. 36.22?

3. Is harm presumed when a trial court violates the first sentence of Art. 36.22?

4. Was Appellant harmed by the violation of the first sentence of Art. 36.22?

**20-1182**  
**STATE'S**

**GREEN, TRENTON KYLE**  
**GREGG**

**02/24/21**  
**FORGERY**

1. The Court of Appeals decided an important question of state law that has not been, but should be, settled by the Court of Criminal Appeals, concerning whether the value ladder provisions of Section 32.21(e-1) of the Texas Penal Code are mandatory or whether those provisions only apply when specifically pled by the State.

2. The Court of Appeals decided an important question of state law that has not been, but should be, settled by the Court of Criminal Appeals, concerning whether the defendant's purpose for committing the forgery offense is an element of the offense under Section 32.21(e) of the Texas Penal Code.

**20-1213**  
**STATE'S**

**LENNOX, BOBBY CARL aka**  
**LEANOX, BOBBY CARL**  
**LAMAR**

**02/24/21**  
**FORGERY**

From the appellate court's statutory construction of Section 32.21(e-1) of the Texas Penal Code, there was no jury-charge error; but more importantly, this Court should resolve a jurisdictional conflict that now exists in Texas law as to how county and district attorneys in the State of Texas should correctly charge and prosecute criminal offenses for

forgery of financial instruments – specifically, checks which, as writings, serve a historic role in the forgery statute in Texas jurisprudence and the economies of Texas the United States of America.